

Jeremy Hare

71667-050

P.O. Box 2000

FcI FORT DIX

FORT DIX, NJ 08640

RECEIVED

FEB 11 2021

AT 8:30

WILLIAM T. WALSH  
CLERK

United States of America : Case/Docket #1

U.

: 1:18 CR -

: 00588-(RMB)

Jeremy Hare

: 2-5-21

~~\*\*\*~~ EMERGENCY MOTION TO REDUCE  
SENTENCE PURSUANT TO 18

U.S.C. § 3582 (C)(1)(A) ~~\*\*\*~~

ON AN EMERGENCY

~~\*\*\*~~ Reconsideration ~~\*\*\*~~

COMES NOW, JEREMY HARE,  
Defendant's pro se motion  
to move this Honorable  
Court to Reconsider modifying  
his term of Imprisonment  
to time served and impose  
a special condition that he  
serve a period of supervised

Release ON home confinement because the BOP Refuses to give MR. Hare the Vaccine FOR COVID-19 AND it is impossible FOR MR. Hare to protect Himself FROM the NOVEL CORONAVIRUS at FCI FORT Dix.

Petitioner Relief is warranted in light of the "extraordinary AND compelling" circumstances OF OVER 1,500 inmates getting the VIRUS OF COVID-19, the Warden losing his Job because the Warden didn't protect the inmates, the BOP Refuses to give MR. Hare the Vaccine, the new Variant OF the COVID-19 VIRUS, and that it is impossible to Social Distance. YOUR HONOR, MR. Hare goes to Halfway House ON August 10, 2021 which is 6 months away. MR. Hare has test negative 10 times FOR the COVID-19 VIRUS AND lives

IN the only building 581) that has not been infected on the entire compound which houses the only 300 men that haven't been infected.

The Defendant Jeremy Hare respectfully requests that this court reduce his sentence to time served with immediate release from custody of the BOP pursuant to Section 603 of the First Step Act (FSA) of 2018 Pub. L. 115-219, 132 Stat. 5194 (2018) (Amending 18 U.S.C. § 3582 (c)(1)(A)(i)). Extraordinary and compelling reasons warrant such a reduction. The BOP refuses to protect MR. Hare (see attached Exhibit) by not offering MR. Hare the vaccine and not allowing MR. Hare to protect himself for the COVID-19 virus. MR. Hare's sentence and such reductions

ARE CONSISTENT WITH applicable policy statements ISSUED by the Sentencing commission due to the COVID-19 pandemic. This very Honorable court has already Ruled in their 1-25-21 opinion that MR. HARE does in fact have medical CONDITIONS, has IN fact exhausted his BOP Remedies, AND the BOP IS certainly protecting MR. HARE'S medical needs, ARE certainly not being taken care of AS there is no medical Attention AND AS far as the vaccine goes the BOP'S position via Unit team AND FORM BP-8 IS

1) you are classified as a Priority 3 inmate to Receive the vaccine (CDC criteria). you will be offered ONE OF the covid-19 vaccines once your priority level 3 reached. The time line FOR you to Receive the vaccine is Dependent ON Availability From Central Office

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AND CDC" yet the Government asked this Honorable Court to believe them that the BOP is IN Fact Protecting MR. Hare so much that the BOP has FIRED the Warden, David Ortiz FOR his Failure to protect the Inmates AND Stop the spread OF the COVID-19 virus. This COURT is saying to MR. Hare by not releasing him that being unprotected for the next 6 months with the world having a vaccine is acceptable. It is the same as having unprotected sex with a known HIV positive person. The BOP has lied countless times with the numbers that are positive and done nothing to protect the inmates as it has cost Ortiz his job. The BOP is ill equipped to address the COVID-19 pandemic as shown by not offering

-5-

MR. Hare the vaccine and leaving MR. Hare unprotected against COVID-19. MR. Hare has an approved viable release plan that will allow MR. Hare to self protect with Health Insurance and access to Doctors. MR. Hare is asking this Honorable Court to force the BOP to give MR. Hare the vaccine to protect himself or immediately release MR. Hare from the custody of the BOP so that he can get his own vaccine and not have a death sentence. MR. Hare is scheduled to be released from BOP custody to the Re-entry Center on August 10, 2021, just 6 months from today. This Honorable Court has the authority to release MR. Hare.

Dillon v. U.S. 560 U.S. 817, 825



[2010], the First Step Act (FSA) 18 U.S.C. § 3582 (c) (1) (A) (i), permits district courts to grant Compassionate Release where there exists "extraordinary and Compelling Reasons" to Reduce a Sentence. As previously stated and agreed by the Government, MR. Hare has exhausted his BOP Remedies.

This Honorable Court Finds in the 1-25-2021 opinion that the §3553 Factors Don't merit Release but if MR. Hare doesn't get the vaccine even with his 2<sup>nd</sup> tier medical conditions he could die in custody of the BOP with only 6 months to go, thus MR. Hare feels the §3553 Factors now weigh in his favor and he prays and hopes this Honorable Court Release MR. Hare to his family

in Florida where he can get the vaccine and self protect from COVID-19.

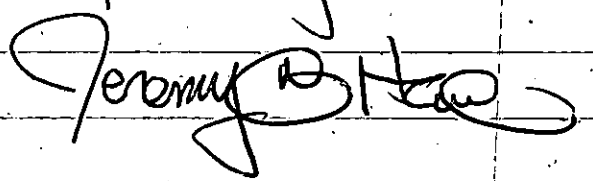
## CONCLUSION

MR. HARE ASKS this Honorable Court to either force the BOP to give MR. HARE the vaccine OR Release MR. HARE UNDER 18 U.S.C. § 3582 to his family in Florida which has been approved by the Probation Department. MR. HARE will be Released from custody August 10, 2021 to halfway house which is literally 6 months away, (Attached Exhibit) from Unit team with MR. HARE's Release Date. YOUR HONOR, I am speaking to you from my heart now. When you denied me for compassionate Release ON 1-25-21 I went



the very next day to wit team to get the vaccine to protect myself since the Government told this Honorable court the vaccine was available. I am going to be 50 years old on March 19, 2021, in just about a month. 191 men out of 271 men were on the list of my building to get the vaccine but I am not one of them. I was OK staying here at Fort Dix knowing that I could be safe and get the vaccine but now I have in writing I am not a "priority" to get the vaccine and in the next 6 months I could die. I ASK, plead, beg, and pray that this Honorable court force the BOP through an order to give me the vaccine OR release me to

My Family in Florida where I can get the vaccine and self protect. Both of my parents who I would live with have been given the vaccine. I hope that you can order the BOP to give me the vaccine, assign a CJA to my case through an appointment or Release me to my family.

Respectfully Submitted  


Jeremy Hark  
71667-050  
FCI FORT Dix  
P.O. Box 2000  
FORT Dix, NJ 08640

OPI: LEGAL DEPARTMENT

Number: FTD 1330.18

Date: November 18, 2014

Attachment: 1

FCI FORT DIX, NEW JERSEY  
INFORMAL RESOLUTION FORM (BP-8)

You are advised that prior to receiving and filing a Request for Administrative Remedy Form BP-9, you MUST ordinarily attempt to informally resolve your complaint through your Correctional Counselor. Briefly state ONE complaint below and list what efforts you have made to resolve your complaint informally and state names of staff contacted.

Date form issued and initials of Correctional Counselor: NJ 1/28/21

INMATE NAME  
REGISTER NO.  
BLDG.

Jeremy HARR  
71667-050  
5811

Date the incident complained of occurred: Ongoing Issue

Complaint and relief requested: I would like to get the COVID-19 vaccine since I have tested negative 10 or 11 times and can't self protect myself in this environment. Thank you.

CORRECTIONAL COUNSELOR:

Date BP-8 returned to Correctional Counselor: \_\_\_\_\_

Efforts made to informally resolve and staff contacted: You are classified as a Priority 3 inmate to receive the vaccine (CDC Criteria). You will be offered one of the Covid-19 vaccines once your priority level is reached. The time line for you to receive the vaccine is dependent on availability from central office.

Date response given to inmate: 2/4/21

[Signature]  
Counselor (sign)

CDC

Date BP-9 Issued: 2.4.21

Unit Manager (sign)

If complaint is NOT informally resolved: forward original attached to BP-9 form to the Legal Assistant.

Resubmitted on 2/4/21 - S. Boyd  
Submitted on 1/28/21 - S. Boyd  
20 CALENDAR DAYS BP-9

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

JEREMY HARE,

Petitioner

V.

DAVID ORTIZ, WARDEN,

Respondent

Civil Action No. 20-14093(RMB)

DECLARATION OF CHRISTOPHER PALM

I, Christopher Palm, do hereby declare and state as follows:

1. I am a Case Manager with the Federal Bureau of Prisons (the "Bureau"), Federal Correctional Institution, Fort Dix, New Jersey ("FCI Fort Dix"). I make this Declaration in connection with the Bureau's response to the petition for writ of habeas corpus filed by Petitioner Jeremy Hare, Reg. No. 71667-050, ("Petitioner").

2. I have been a Case Manager at FCI Fort Dix since September 2019. I am aware that Petitioner alleges he is eligible for Earned Time Credit under the First Step Act ("FSA") due to a number of courses completed while incarcerated. As his Case Manager, I am involved in Petitioner's Risk and Needs Assessment and assignment of relevant programs and activities in accordance with the FSA.

3. On December 2, 2019, Petitioner was found to be eligible to earn Earned Time Credits under 18 U.S.C. §3632(d), meaning he did not have a disqualifying offense under the statute. See Exhibit 3,

Inmate History, FSA, attached to Palm Declaration.

4. On December 11, 2019, his Risk and Needs Assessment was conducted. With respect to RISK, he was determined to be a Minimum risk for recidivism. In May 2020, he was re-reviewed and determined to be a Low risk for recidivism. Id.

5. With respect to the NEEDS assessment, the Bureau has listed the following Needs to be assessed for each inmate: Anger/Hostility, Finance/Poverty, Antisocial Peers, Medical, Cognitions, Mental Health, Dyslexia, Recreation/Leisure/Fitness, Education, Substance Abuse, Family/Parenting, Trauma and Work. See Exhibit 1, Memorandum for All CEOs, November 2019.

6. Petitioner was determined to have a NEED in Anger/Hostility, Work, Medical, Recreation/Leisure/Fitness and Parenting. See Exhibit 4, Inmate Profile. Petitioner does not have a NEED in any other category. Id. It should be noted that his NEED for Work was determined based on his loss of UNICOR employment. See Exhibit 7, Inmate History, Work. The loss of his UNICOR employment was due to his placement in the Special Housing Unit following an incident report for Code 108, Possession of a Hazardous Tool. See Exhibit 8, Inmate Discipline.

7. In order for an inmate to receive Earned Time Credit under the FSA, an inmate must successfully complete one of the BOP approved Evidenced Based Recidivism Reduction ("EBRR") program or Productive Activities ("PA") related to one of the particular NEEDS assigned to that inmate. See Exhibit 2, Evidence-Based Recidivism Reduction

("EBRR") programs and Productive Activities ("PA"). In June 2020, Petitioner was placed on the wait-list for Anger Management, an approved EBRR, in order to meet his NEED in Anger/Hostility. See Exhibit 4. He has not commenced the program. Id. Petitioner was also recommended for a VT course, another EBRR, which would meet his NEED for Work. See Exhibit 6, Program Review. He is not currently enrolled in a VT program. Finally, Petitioner is currently participating in Phase Two of the Parenting program. See Exhibit 5, Inmate History, WASPB. In order to be eligible for credit, Petitioner must complete Phases one and two; therefore, he is not yet eligible for credit based on that EBRR. See Exhibit 2.

8. Petitioner has not completed any approved EBRR programs or PAs which would warrant application of Earned Time Credit at this time.

9. Petitioner has a Residential Reentry Center placement date of August 10, 2021. See Exhibit 4, Inmate Profile.

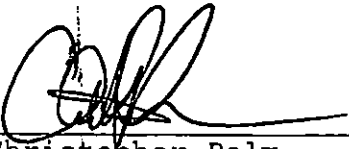
10. Attached hereto, please find true and correct copies of the following documents:

1. **Exhibit 1** - Memorandum for All CEOs, November 2019;
2. **Exhibit 2** - Evidence-Based Recidivism Reduction ("EBRR") programs and Productive Activities ("PA");
3. **Exhibit 3** - Inmate History, FSA;
4. **Exhibit 4** - Inmate Profile;
5. **Exhibit 5** - Inmate History, WASPB;



6. **Exhibit 6** - Program Review;
7. **Exhibit 7** - Inmate History, Work;
8. **Exhibit 8** - Inmate Discipline.

I declare that any and all records attached to this declaration are true and accurate copies maintained in the ordinary course of business by the Federal Bureau of Prisons. I further declare that the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. §1746.

  
\_\_\_\_\_  
Christopher Palm  
Case Manager  
FCI Fort Dix

10/22/2020  
Date

JUG 535.03 \* INMATE PROFILE \* 10-21-2020  
 PAGE 001 10:19:37

71667-050 REG  
 REGNO: 71667-050 FUNCTION: PRT DOB/AGE.: [REDACTED] / 49  
 NAME.: HARE, JEREMY R/S/ETH.: W/M/O WALSH: NO  
 RSP.: FTD-FORT DIX FCI MILEAGE.: 908 MILES  
 PHONE: 609-723-1100 FAX: 609-724-7557  
 PROJ REL METHOD: GOOD CONDUCT TIME RELEASE FBI NO.: [REDACTED]  
 PROJ REL DATE.: 02-01-2022 INS NO.: N/A  
 PAR ELIG DATE.: N/A SSN.: [REDACTED]  
 PAR HEAR DATE.: PSYCH: NO DETAINER: NO CMC.: NO  
 OFFN/CHG RMKS: 1:18-CR-00588-RMB-1 /WIRE FRAUD 36MOS CBOP /3YRS SRT  
 FACIL CATEGORY - - - - - CURRENT ASSIGNMENT - - - - - EFF DATE TIME  
 FTD ADM-REL A-DES DESIGNATED, AT ASSIGNED FACIL 08-13-2020 0746  
 FTD CARE LEVEL CARE1 HEALTHY OR SIMPLE CHRONIC CARE 06-14-2019 0809  
 FTD CARE LEVEL CARE1-MH CARE1-MENTAL HEALTH 08-16-2019 1055  
 FTD COR COUNSL 5812 A-K G.THOMSON, X-6648 08-18-2020 1415  
 FTD CASE MGT BIR CERT Y BIRTH CERTIFICATE - YES 10-15-2020 1200  
 FTD CASE MGT CFSA CERT FOOD SINCERITY APPROVAL 10-15-2020 1330  
 FTD CASE MGT CV-HC DENY COVID HOME CONFINEMENT DENIAL 04-20-2020 1433  
 FTD CASE MGT DEPEND Y DEPENDENTS UNDER 21 - YES 10-15-2020 1109  
 FTD CASE MGT PHOTO ID N PHOTO ID - NO 09-01-2020 1230  
 FTD CASE MGT RPP PART RELEASE PREP PGM PARTICIPATES 09-04-2019 1354  
 FTD CASE MGT SSN CARD Y SOCIAL SECURITY CARD - YES 10-15-2020 1200  
 FTD CASE MGT VET P/S N PARENT/SPOUSE VETERAN - NO 01-14-2020 1155  
 FTD CASE MGT VETERAN N VETERAN - NO 01-14-2020 1155  
 FTD CASE MGT VWP AUTO VICTIM/WITNESS PGM AUTO UPDATE 05-09-2019 0645  
 FTD CASE MGT V94 COA913 V94 CURR OTHER ON/AFTER 91394 06-05-2019 0740  
 FTD CASE MGT V94 PV V94 PAST VIOLENCE 05-09-2019 1231  
 FTD CASE MGT WA NO HIST NO WALSH ACT OFFENSE HISTORY 05-08-2019 1553  
 FTD CASEWORKER 5812 A-K C.PALM, X-6647 08-18-2020 1415  
 FTD CUSTODY IN IN CUSTODY 07-21-2020 1522  
 FTD DRUG PGMS DAP NO INT DRUG ABUSE PROGRAM NO INTEREST 09-09-2020 1428  
 FTD DRUG PGMS ED COMP DRUG EDUCATION COMPLETE 07-15-2019 2100  
 FTD DRUG PGMS ED NONE DRUG EDUCATION NONE 06-05-2019 0953  
 FTD DRUG PGMS NR COMP NRES DRUG TMT/COMPLETE 12-11-2019 2100  
 FTD DESIG/SENT ECHO TEAM ECHO 05-08-2019 1553  
 FTD DESIG/SENT FNJ YES FNJ-FULLY COMPLIED W/JUD REC 05-09-2019 1249  
 FTD DESTINATION COR 4Y8 DISMAS CHARITIES OF ORLANDO-FL 08-10-2021 1709  
 FTD EDUCATION C BPRT101 READING BLUEPRINTS 101 - TPC 01-09-2020 0001  
 FTD EDUC INFO ESL HAS ENGLISH PROFICIENT 06-22-2019 0841  
 FTD EDUC INFO GED HAS COMPLETED GED OR HS DIPLOMA 06-22-2019 0841  
 FTD FIN RESP PART FINANC RESP-PARTICIPATES 08-13-2019 1529  
 FTD FIRST STEP FTC ELIG FTC-ELIGIBLE - REVIEWED 12-02-2019 1622  
 FTD FIRST STEP N-ANGER Y NEED - ANGER/HOSTILITY YES 01-02-2020 1446  
 FTD FIRST STEP N-ANTISO N NEED - ANTISOCIAL PEERS NO 12-04-2019 0911  
 FTD FIRST STEP N-COGNITV N NEED - COGNITIONS NO 12-04-2019 0911  
 FTD FIRST STEP N-DYSLEX N NEED - DYSLEXIA NO 07-31-2020 0938  
 FTD FIRST STEP N-FIN PV N NEED - FINANCE/POVERTY NO 08-04-2020 1754  
 FTD FIRST STEP N-M HLTH N NEED - MENTAL HEALTH NO 07-25-2020 0000  
 FTD FIRST STEP N-MEDICL Y NEED - MEDICAL YES 10-19-2020 1158  
 FTD FIRST STEP N-RLF Y NEED - REC/LEISURE/FITNESS YES 10-19-2020 1159

G0017 WARNING : NOTIFICATIONS ARE REQUIRED PER P.S. 1490.06  
 G0002 MORE PAGES TO FOLLOW . . .

Half  
way  
House  
Release

JEREMY HARE  
71667-050  
FCI FORT DIX  
FORT DIX, NJ 08640

Trenton P&DC NJ 086  
MON 08 FEB 2021 PM

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CLERK OF THE COURT  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE  
MITCHELL H. COHEN U.S. COURTHOUSE  
400 COOPER STREET  
ROOM 1050  
CAMDEN, NJ 08102

